

## Appendix 5

### Using Appropriated Funds for Light Refreshments (LR) and Meals (M)

#### Policy:

Appropriated funds may be used for LR/M for certain events, depending on a number of factors:

- Type of event
- Location of event
- Type of participant (Federal employee or non-Federal person)
- Event meets certain requirements

#### A. Type of Event

- NIH-sponsored training
- NIH-sponsored conference training
- NIH-sponsored conference/meeting (non-training)
- Non-government sponsored event (training and non-training)
- Co-sponsored event (training and non-training)
- Other government-sponsored event (training and non-training)
- NIH employee recognition and awards ceremony
- NIH EEO/Cultural Awareness Program
- NIH special event

#### B. Location of Event

Under this policy, NIH-sponsored events are held at one of these locations:

- On campus; other local NIH facility; other local government facility
- Non-government local facility
- Facility outside local area

Under this policy, *local* means within a 50-mile radius from **both** the employee's residence and permanent duty station to a temporary duty site.

#### C. Type of Participant

Under this policy, the participants are either:

- Federal Employees  
OR
- Non-Federal persons

#### **D. Requirements for Each Type of Event**

##### **NIH-sponsored training**

You **may** use appropriated funds for LR/M for NIH-sponsored training and NIH-sponsored conference training at the locations identified in “B” above:

- If the event qualifies as a training meeting. (See Definition of Key Terms.)
- If the non-Federal person is legitimately performing a direct service; for example, makes a presentation, conducts the training, or advises in an area of expertise (Reference 5 U.S.C. 5703 and 5 U.S.C. 4109).

##### **Scenario – NIH-sponsored training**

A contractor is brought in to instruct on “Performance Management for the Federal Employee.” LR/M may be allowed as appropriate. Meals may be provided when, 1) the meals are incidental to the training; 2) attendance of the employee at the meals is necessary to his/her full participation in the training; and 3) the employee is not free to take the meals elsewhere without being absent from essential instruction concerning the training.

##### **NIH-sponsored conference training**

The same guidelines apply for NIH-sponsored conference training.

##### **Scenario – NIH-sponsored conference training**

- A three-day Principal Investigator Retreat is being held at Montgomery College. LR/M can be provided.

A monthly Fellowship get-together at the work site does not meet the requirements for the provision of LR/M.

When providing LR and/or meals, exercise common sense and discretion and consider cost efficiency.

##### **NIH-sponsored non-training-related meetings and conferences**

You may use appropriated funds for LR at NIH-sponsored non-training conferences and meetings at all three locations for both types of participants:

- If the event is a non-internal day-to-day business event that does not meet the definition of “training” or “conference training” and meets these conditions:
  - The event lasts for a minimum of 4 hours.
  - LR are incidental to the event.
  - Partaking of the LR is necessary for employees to participate fully in the event.
  - Employees are not able to take the LR elsewhere without missing formal discussions, lectures, speeches, etc., concerning the purpose of the event.
- If the non-Federal person is legitimately performing a direct service; for example, makes a presentation, advises in an area of expertise, collaborates, participates, etc. (Reference 31 U.S.C. 1345, NOTE Section 505).

Meals may be authorized for this type of event **only** when it is held outside the local area and **only** when the 12-hour per diem rule is met.

**Scenarios: NIH-sponsored non-training related meetings and conferences**

- Advisory Council meetings, Board of Scientific Council meetings, and Board of Regents meetings. LR may be provided. For meetings outside the local area, if any meals are provided, the meals portion of the per diem allowance must be reduced accordingly.
- Breast cancer treatment conference, Denver, CO. LR/M may be provided. If meals are provided to NIH participants, the meals portion of the per diem allowance must be reduced accordingly.

**Non-government sponsored events (training and non-training)**

There should not be any requirement for the use of NIH appropriated funds for LR/M.

For a non-government sponsored or other government sponsored event, should a registration fee cover LR/M and you pay out of pocket, you may be authorized reimbursement for the registration fee. Should the registration fee not cover LR/M and a separate charge is made for the LR/M, you may be authorized reimbursement if there is a showing that:

- The LR/M are incidental to the event.
- Partaking of the LR/M is necessary to fully participate in the business of the conference.
- You are not free to take the LR/M elsewhere without being absent from essential formal discussions, lectures, etc., concerning the purpose of the event.

**(NOTE:** In this scenario, the 12-hour per diem rule must be met.)

### **Co-sponsored events (training and non-training related)**

You **may** use appropriated funds for LR/M for co-sponsored events for both types of participants. Events must meet the definition of co-sponsorship as stated in the Appendix. The following criteria also apply.

- For training events, the event must qualify as a training meeting or training conference. (See Appendix: Definition of Key Terms.)
- For non-training events, the expenses must be for attendance at non-internal day-to-day business meetings and must be associated with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

### **Other Federal government-sponsored events (training and non-training)**

There should not be any requirement for the use of NIH appropriated funds.

Should the registration fee cover LR/M and you pay out of pocket, you may be authorized reimbursement for the registration fee. Should the registration fee not cover LR/M and a separate charge is made for the LR/M, you may be authorized reimbursement:

- If the LR/M are incidental to the event.
- If attendance at the LR/M is necessary to full participation in the business of the conference.
- If you are not free to take the LR/M elsewhere without being absent from essential formal discussions, lectures, etc., concerning the event's purpose.

### **Scenarios – Other Federal government-sponsored events (training and non-training)**

- GSA sponsored all-day symposium to discuss new regulations on property.
- OGE ethics training.
- Excellence in Government Conference.

Reimbursement of LR/M costs for the above events is dependent on whether a registration fee or separate charge has been incurred which covers the provision of LR/M. (See previously stated requirements for this category of event.)

### **NIH employee recognition and award ceremonies**

You **may** use appropriated funds for LR at all three locations for both Federal and non-Federal employees.

#### **Examples of such events:**

- IC Director's Award ceremony
- NIH Director's Award ceremony

### **NIH EEO/cultural awareness program**

Federal employees may partake of small samples of ethnic foods served as part of the formal NIH EEO/Cultural Awareness Programs at any of the three locations cited on the matrices. (Reference: 60 Comp. Gen. 303, 1981). The following is also applicable:

- Non-Federal guest speakers may be authorized a meal if the event is away from their home or place of business.

#### **Examples of such events:**

- Asian/Pacific Islander American Heritage Program

- American Indian/Alaska Native Heritage Celebration

### **NIH special events**

You **may** use appropriated funds for LR at all three locations for both Federal and non-Federal persons if the event furthers NIH objectives.

#### **Examples of such events:**

- Combined Federal Campaign kickoff meetings and keyworker meetings
- U.S. Savings Bond Drive kickoff meeting; canvasser training sessions.
- NIH Open House
- Building dedication

**(NOTE:** *Picnics* and *holiday parties* are not included in this category.)

## Definitions of Key Terms

**Conference/meeting (non-training related):** a non-routine event that does not meet the definition of "Training" or "Conference Training." The event must be an administrative or scientific-based conference, workshop, seminar, symposium, etc., and it must meet these conditions:

- The event must last at least 4 hours.
- The LR must be incidental to the event.
- To participate fully in the event, employees must partake of the LR.
- Employees cannot take the LR elsewhere without missing formal discussions, lectures, speeches, etc. concerning the event's purpose.

Meals may be authorized **only** when the 12-hour per diem rule is met and the event is outside the local area.

**Conference training:** To be considered a training conference, a conference must meet these conditions under 5 CFR 410.404:

- The announced purpose of the conference must be educational or instructional.
- More than half of the time must be scheduled for a planned, organized exchange of information between presenters and audience, which meets the definition of training in 5 U.S.C. 4101.
- The content of the conference must be germane to improving individual and/or organizational performance.
- Development benefits must be derived through the employee's attendance.

Both of the following conditions must be met to provide meals to Federal employees at a "conference training" event:

- The provision of meals is necessary to achieve the objectives of the conference training program.
- The meals are incidental to the conference training event in that a portion of the training is conducted during the meal sessions.

**Co-sponsorship:** The joint development of a conference, seminar, symposium, educational program, public information campaign, or similar event sponsored by NIH and one or more non-Federal entities that share a mutual interest in the subject matter. This does not include prospective co-sponsors that would provide only funding for an event or that do not have a demonstrable substantive interest in the subject matter of the event.

**Internal day-to-day meeting:** A meeting, conference, seminar, etc., that's sole purpose is to discuss day-to-day operational issues and to support IC program activities or objectives, e.g., staff meetings, orientations, status reports, and topics of general interest. You cannot authorize the use of appropriated funds or gift funds for LR/M for this type of meeting.

**Light refreshments (LR):** for morning, afternoon, or evening breaks are defined to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, and muffins (41 CFR Part 301-74.11).

**Local:** within a 50-mile radius from both the employee's residence and permanent duty station to a temporary duty site.

**NIH Special Events:** events that further the NIH objectives, including NIH Open House, Building Dedication, CFC and Savings Bonds Drives, etc.

**Non-internal day-to-day meeting:** A meeting, conference, seminar, etc., that's sole purpose is to discuss HHS or NIH special directives or initiatives. The directives and initiatives can be predicated on national or international events, or statute, regulation, and policy changes. Examples would be events to discuss topics such as, SARS, "Bird Flu", Mad Cow Disease and related Creutzfeldt-Jakob Disease, A-76, Strategic Planning for Budget (Outyears), etc. For all such meetings, you are to adhere to the guidance outlined in the LR/M Matrices that correspond with Event Type "C" (See Appendix 3 of NIH Manual 1160-1).

**Non-federal person:**

- Training: A person who legitimately performs a direct service related to training; e.g., makes a presentation, conducts the training, advises in an area of expertise (5 U.S.C. 5703 and 5 U.S.C. 4109).  
NOTE: Since the GETA applies only to individuals employed in or under an agency, nonfederal persons must be serving in the above capacity and cannot be collaborating, participating, or simply attending.
- Non-training: A person who performs a direct service not related to training; e.g., makes a presentation, advises in an area of expertise, participates, collaborates, etc. (31 USC 1345 NOTE (Section 505)).

**Training:** as defined in 5 U.S.C. 4101, Government Employees Training Act, the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields that will improve individual and organizational performance and assist in achieving the agency's mission and performance goals. **Both** of the following conditions must be met in order to provide meals to Federal employees at a "training" event:



- The provision of meals is necessary to achieve the objectives of the training program.
- The meals are incidental to the training event in that a portion of the training is conducted during the meal sessions.